

ANIMALS\*

- Art. I. In General, §§ 4-1—4-30  
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ARTICLE I. IN GENERAL

**Sec. 4-1. Fowl and livestock prohibited.**

It shall be unlawful for any person to keep and maintain fowl of any kind or nature, or livestock, whether penned or otherwise, within the limits of the city.  
(Ord. No. 136, § 1, 1-26-73)

**Sec. 4-2. Horses, cattle, sheep and swine prohibited from running at large and being tethered.**

Horses, cattle of all descriptions, sheep and swine are prohibited from running at large, and from being tethered to trees, fences, stakes or other objects in any of the streets, lanes, alleys or public places within the corporate limits of the city.  
(Ord. No. 27, § 1, 9-21-1897)

**Sec. 4-3. Compliance with orders of officers.**

It shall be the duty of the chief of police and every police officer and special officer to order the immediate removal of fowl of any kind or nature, or livestock, whether penned or otherwise, from within the limits of the city. Failure to comply with such orders shall constitute violation of the provisions of this section.  
(Ord. No. 136, § 7, 1-26-73)

**Sec. 4-4. Keeping of wild animals.**

It shall be unlawful for anyone to keep or maintain any wild, ferocious or undomesticated and untamed animal, whether owned by them or not, on their premises within the city; provided, that wild animals may be kept in circuses, zoos, menageries or laboratories where the care or custody is under the care of an attendant at all times, whose responsibility it shall be to see that such animals are securely confined.  
(Ord. No. 144, § 4, 5-6-75)

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\*Cross reference—Domestic animals in parks, § 15-5.

State law references—Authority to adopt animal control ordinance, MCL 287.290, MSA 12.541; crimes related to animals and birds, MCL 750.49 et seq., MSA 28.244 et seq.  
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#### **Sec. 4-5. Keeping of reptiles, serpents or insects.**

It shall be unlawful for anyone to keep or maintain any reptile, serpent or insect that is dangerous, poisonous or could cause harm to a person. In order to keep any reptile, serpent or insect, a permit must be obtained from the city manager, such permit being issued at his discretion.

(Ord. No. 144, § 5, 5-6-75)

#### **Sec. 4-6. Transporting.**

(a) *Safety of animals.* It shall be unlawful for any person to transport animals on the streets of the city in such manner as to endanger the life or limb of any of such animals.

(b) *Safety of persons.* It shall be unlawful for any person to transport animals on the streets of the city in such a manner as to endanger the life or limb of any person.

(c) *Segregating kinds and weights.* Where animals of different weights, kinds or sizes are transported on the streets of the city, partitions shall be erected in the transporting vehicles so that animals of separate kinds or weights are segregated.

(Ord. No. 144, §§ 1-3, 5-6-75)

#### **Sec. 4-7. Right of entry.**

Authorized officers are permitted to enter upon any premises at any time for the purpose of performing their duties under this chapter.

(Ord. No. 136, § 8, 1-26-73)

#### **Sec. 4-8. Penalty.**

[Unless a different penalty is specifically provided,] any person who shall fail to comply with any of the provisions of this chapter shall, upon conviction thereof, be punished as follows:

- (1) *First offense.* The first offense shall incur a fine of not less than ten dollars (\$10.00) or imprisonment in the county jail for not more than ninety (90) days or both;
- (2) *Second offense.* The second offense during any twelve-month period shall incur a fine of not less than twenty-five dollars (\$25.00) or imprisonment in the county jail for not more than ninety (90) days or both;
- (3) *Third offense.* The third offense during any twelve-month period shall incur a fine of not less than fifty dollars (\$50.00) or imprisonment in the county jail for not more than ninety (90) days or both;
- (4) *Subsequent offenses.* Every offense thereafter during any twelve-month period shall incur a fine of not less than one hundred dollars (\$100.00) or imprisonment in the county jail for not more than ninety (90) days or both.

(Ord. No. 136, § 14, 1-26-73)

#### **Secs. 4-9-4-30. Reserved.**

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## ARTICLE II. ANIMAL CONTROL\*

### DIVISION 1. GENERALLY

#### Sec. 4-31. Definitions.

The following terms, when used in this article, shall have the meanings set forth in this section:

*Cat* means any feline.

*City* means the City of Algonac.

*City council* means the city council of the City of Algonac.

*Dangerous animal* means any wild mammal, reptile or fowl which is not naturally tame or gentle but is of a wild nature or disposition and which, because of its size, vicious nature or other characteristics, could constitute danger to human life or property. The term "dangerous animal" also means and includes any domestic mammal, reptile or fowl which, because of its size or vicious propensity or other characteristics, could constitute a danger to human life or property.

*Dog* means any canine.

*Lot* means a parcel of land occupied or intended to be occupied as a dwelling, together with accessory buildings and yard.

*Person* means any person, firm, partnership, association or corporation.

*Premises* means an area of private property including grounds, buildings and appurtenances. For purposes of interpretation and enforcement of this article, any common areas of condominium property shall not be considered the premises or private property of a person residing in or having an ownership interest in a condominium unit or units. Common areas include all portions of a condominium project other than the condominium units and those areas appurtenant to condominium units.

*Run at large* means the presence of a dog at any place except upon the premises of the owner; provided, however, a dog shall not be considered to be running at large if it is on a leash and under the control of a person physically able to control it or in an enclosed vehicle. (Ord. No. 179, 2-21-89)

**Cross reference**—Definitions and rules of construction generally, § 1-2.

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\***Editor's note**—Ord. No. 179, adopted Feb. 21, 1989, repealed Art. II, Div. 1, §§ 4-31—4-37 and Div. 2, §§ 4-51—4-56, relative to dogs and impoundment, and enacted new provisions relative to animal control as §§ 4-31—4-41. Subsequently, Ord. No. 186, adopted Aug. 2, 1989, enacted new impoundment provisions as set out in §§ 4-51—4-56. Formerly, Art. II derived from Ord. No. 136, §§ 1—6, 9—12, adopted Jan. 26, 1973.

**State law reference**—Dog law, MCL 287.261 et seq., MSA 12.511 et seq.



#### **Sec. 4-32. License.**

All persons owning or keeping dogs six (6) months or older shall be required to purchase licenses for said dogs at either the city or county clerk's office.

(Ord. No. 179, 2-21-89)

**State law reference**—Dog license, MCL 287.266 et seq., MSA 12.516 et seq.

#### **Sec. 4-33. Dogs and cats—Injury to property; waste products.**

(a) No person owning or possessing a dog or cat shall permit such dog or cat to go upon any sidewalk, parkway or private lands or premises and bruise, break, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever, or to defecate thereof.

(b) No person owning or possessing a dog or cat shall cause or permit such dog or cat to be on property, public and private, not owned or possessed by such person, unless such person has in his immediate possession an appropriate device for scooping excrement and an appropriate depository for the transmission of excrement to a receptacle located on property owned or possessed by such person. This subsection shall not apply to a person who is visually or physically handicapped.

(Ord. No. 179, 2-21-89)

#### **Sec. 4-34. Same—Running at large.**

No person owning or possessing a dog or cat shall cause or permit such dog or cat to run at large within the city.

(Ord. No. 179, 2-21-89)

#### **Sec. 4-35. Same—Barking, howling, etc.**

No person shall knowingly own or possess any dog which habitually barks, howls or yelps or any cat which habitually cries or howls in such a manner as to disturb the reasonable peace and quiet of the neighborhood. Such dogs and cats are hereby declared to be a public nuisance.

(Ord. No. 179, 2-21-89)

#### **Sec. 4-36. Keeping dangerous animals.**

(a) No person shall own or possess a dangerous animal within the city.

(b) Subsection 4-36(a) shall not apply to animals under the control of a law enforcement or military agency, nor to animals which are kept for the protection of property, provided that such animals are restrained by a leash or chain, cage, fence or other adequate means from contact with the general public or with persons who enter the premises with the actual or implied permission of the owner or occupant.

(Ord. No. 179, 2-21-89)

#### **Sec. 4-37. Cruelty to animals.**

(a) No person shall willfully or maliciously inflict unnecessary or needless cruelty, or torture, abuse or cruelly beat, strike or abuse any animal, or by any act, omission or neglect

cause or inflict any unnecessary or unjustifiable pain, suffering, injury or death to any animal, whether such animal belongs to such person or to another, except that reasonable force may be employed to drive away vicious or trespassing animals. Any unwanted animal should be delivered to the county department of animal control of proper disposal.

(b) No person owning or possessing any animal shall fail, refuse or neglect to provide such animal with food, potable water, shade or shelter, or cruelly or unnecessarily expose such animal in hot, stormy, cold or inclement weather, or carry such animal in or upon any vehicle in a cruel or inhumane manner.

(Ord. No. 179, 2-21-89)

#### **Sec. 4-38. Limit on number of dogs and cats.**

No person who shall reside within the city shall possess, keep or harbor more than three (3) dogs of the age of six (6) months or over or more than three (3) cats at said premises, except where a person has obtained a kennel license from the state as provided for in Act. No. 339 of Public Acts of 1919, as amended, and conforms with all applicable zoning regulations of the city.

(Ord. No. 179, 2-21-89)

#### **Sec. 4-39. Animal bites.**

Anyone having knowledge or reason to believe that any animal in the city has bitten a person shall report the same within twenty-four (24) hours and, so far as is known, the name and address of the owner and circumstances of the animal. Such reports concerning bites shall be made to the city police department.

(Ord. No. 179, 2-21-89)

#### **Sec. 4-40. Parental liability.**

The parent or guardian of any minor claiming ownership of any dog, cat or other animal subject to this article, shall be deemed to be the owner of such animal and shall be charged for all penalties and fees imposed by this article.

(Ord. No. 179, 2-21-89)

#### **Sec. 4-41. Penalties.**

A violation of this article shall constitute a municipal civil infraction as defined in section 1-2 of the Code of Ordinances.

(Ord. No. 179, 2-21-89; Ord. No. 96-03, § 2, 1-9-96)

#### **Secs. 4-42—4-50. Reserved.**

### **DIVISION 2. IMPOUNDMENT\***

#### **Sec. 4-51. Running at large.**

All dogs found running at large shall be impounded in such dog pound as may be provided by the city or the county.

(Ord. No. 186, 8-2-89)

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\*Note—See the editor's note to Art. II.

#### **Sec. 4-52. Duty of chief of police and officers.**

It shall be the duty of the chief of police and every police officer and special officer to promptly seize, take up and place in such pound all dogs that may be found running at large contrary to the provisions of this article and to enforce the provisions of this article by seizing, picking up and impounding any dog against which reasonable complaint has been made for violations of the provisions of this article.

(Ord. No. 186, 8-2-89)

#### **Sec. 4-53. Record.**

The officer in charge of the pound under this article shall carefully keep a record of the description of every dog impounded therein together with the date and hour of such impounding.

(Ord. No. 186, 8-2-89)

#### **Sec. 4-54. Transient holding.**

Dogs that are seized under the provisions of this article may be placed in a transient holding pen provided by the city, and upon notification, the county dog warden will provide for the pickup of such dogs.

(Ord. No. 186, 8-2-89)

#### **Sec. 4-55. Disposition after impoundment.**

All dogs impounded pursuant to this article shall be kept and fed, unless promptly and properly claimed, for a period of no less than three (3) days nor more than five (5) days from the hour of impounding. All dogs not claimed as provided in this article within such period of time shall be killed; provided, however, that, at the option of the person in charge of the pound, such dogs may be sold in such manner and for such amounts as may be determined by him.

(Ord. No. 186, 8-2-89)

#### **Sec. 4-56. Redemption.**

Owners of all dogs impounded under the provisions of this article may claim the dogs by properly identifying themselves as the owners of such animals, showing the license plate receipts of such animals and paying such sums as may be fixed of the costs of impounding and feeding the dogs; provided, however, that it shall be unlawful for any person to claim or attempt to claim any dog under the provisions of this article when such person is not the legal owner of the dog.

(Ord. No. 186, 8-2-89)